

BILL ANALYSIS

Senate Research Center

H.B. 405
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Criminal Justice
5/8/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, animal control officers in several jurisdictions throughout the state utilize a bite prevention stick; however, at least one district attorney has opined that because of the bite stick's similarity to a prohibited club under Section 46.01 (Definitions), Penal Code, an animal control officer carrying a bite stick would be committing a criminal violation under Section 46.02 (Unlawful Carrying Weapons), Penal Code.

H.B. 405 authorizes animal control officers to carry clubs designed for protecting against the bite of an animal and to use such clubs in the performance of their official duties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 46.15, Penal Code, by adding Subsection (g), to provide that the provisions of Sections 46.02 (Unlawful Carrying Weapons) and 46.03 (Places Weapons Prohibited) prohibiting the possession or carrying of a club do not apply to an animal control officer who holds a certificate issued under Section 829.006 (Issuance of Certificate), Health and Safety Code, and who possesses or carries an instrument used specifically for deterring the bite of an animal while the officer is in the performance of official duties under the Health and Safety Code or is traveling to or from a place of duty.

SECTION 2. Amends Section 829.003(a), Health and Safety Code, to require the curriculum for both basic and continuing education courses to include certain topics, including principles and procedures to be followed with respect to an instrument used specifically for deterring the bite of an animal.

SECTION 3. Provides that Section 829.003(a), Health and Safety Code, as amended by this Act, applies to the curriculum required for basic and continuing education animal control courses offered under Section 829.004 (Availability of Courses), Health and Safety Code, on or after January 1, 2010.

SECTION 4. Effective date: upon passage or September 1, 2009.